



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Janelle L. Chan, Undersecretary

M.G.L. CHAPTER 121B

URBAN RENEWAL PLAN PREPARATION GUIDE

The Massachusetts Legislature established the Urban Renewal Program under Massachusetts General Laws Chapter 121B (M.G.L. c. 121B) to assist communities to revitalize disinvested and underutilized neighborhoods and redevelop substandard, decadent, and blighted open areas for residential, commercial, industrial, business, governmental, recreational, educational, hospital or other uses. Under M.G.L. c. 121B, urban renewal agencies are authorized to undertake a range of public actions to address these conditions in order to create the environment needed to promote sound growth and attract and support private investment in designated urban renewal areas. Future redevelopment within these areas must be undertaken in accordance with use limitations specified in approved Urban Renewal Plans.

The Department of Housing and Community Development (DHCD), Office of Sustainable Communities, is responsible for the administration of the Urban Renewal Program. This includes the review and approval of all Urban Renewal Plans.

This application guide is designed to help you prepare your Urban Renewal Plan submission to DHCD. Attention to these recommendations will ensure that the Plan submission is complete, thereby expediting review and approval.

CRITERIA FOR PLAN APPROVAL

An Urban Renewal Plan is an application submitted to DHCD by an urban renewal agency requesting approval of a proposed redevelopment project. Two copies of the Urban Renewal Plan are requested to be submitted to DHCD, an original and one copy. In order to approve a proposed Urban Renewal Plan, DHCD must make the following six findings:

1. The project area would not, by private enterprise alone and without either government subsidy or the exercise of governmental powers, be made available for urban renewal -- i.e. without public involvement, the project/site would not be (re)developed.
2. The proposed land uses and building requirements in the project area will afford maximum opportunity to privately financed urban renewal consistent with the needs of the locality as a whole -- i.e., the project will enhance/promote private investment.
3. The plan for financing the project is sound.
4. The project area is a substandard, decadent, and/or blighted open area.
5. The Urban Renewal Plan is complete.

6. The Relocation Plan is approved under M.G.L. c. 79A.

When these findings have been made, DHCD will issue a letter regarding review and approval of the Urban Renewal Plan. If the Urban Renewal Plan is not approved, it may be resubmitted with such modifications, supporting data or documents as are necessary to address DHCD's written objections or comments.

In order to be considered sufficiently "complete" (see finding #5 above), the Urban Renewal Plan shall contain the documentation specified under Massachusetts implementation regulations in 760 CMR 12.02, "Urban Renewal Plans". Among the items to include are:

- Identification of the proposed boundaries of the project area.
- Description of the conditions that qualify the area as an urban renewal area for redevelopment and the kinds of redevelopment activities, including public actions that are proposed to address these conditions.
- Objectives and anticipated impacts of the proposed redevelopment activities on the urban renewal area and on the larger community such as job creation and/or retention, business expansion, housing development, traffic and infrastructure improvements and a description of the resulting public benefits.
- Identification of relocation expected from the proposed actions and the resources available for displaced persons/businesses.
- Description of public improvements proposed to accomplish project objectives and any impediments to proposed redevelopment such as wetlands, flood plains, hazardous waste, soil conditions, etc.
- Identification of current owners of land parcels within the proposed project area, current zoning, land use and proposed changes in land use and zoning.
- Identification of funding sources and their uses for project implementation and an accompanying implementation timeline.

PLAN FORMAT

The Urban Renewal Plan submission should be divided into sections and labeled according to the regulatory headings and their respective subsections as specified in 760 CMR 12.02, as appropriate. Submitting the Plan in this format will expedite DHCD review and approval. The headings are:

- 12.02(1) Executive Summary
- 12.02(2) Characteristics
- 12.02(3) Eligibility
- 12.02(4) Objectives
- 12.02(5) Acquisitions
- 12.02(6) Relocation
- 12.02(7) Site Preparation

- 12.02(8) Public Improvements
- 12.02(9) Disposition
- 12.02(10) Redeveloper's Obligation
- 12.02(11) Time Frame
- 12.02(12) Financial Plan
- 12.02(13) Citizen Participation
- 12.02(14) Requisite Municipal Approvals
- 12.02(15) Massachusetts Environmental Policy Act (MEPA)

PLAN SUBMISSION - OVERVIEW

The Urban Renewal Plan should include both quantitative and qualitative information, as applicable. The Plan should also be structured to (a) identify significant problems or site characteristics that qualify the area as an urban renewal site, (b) identify specific objectives as well as the larger goals/vision that will be achieved by Plan implementation; (c) explain WHY public action is necessary as a catalyst for private investment in the area in order for redevelopment to occur, and (d) describe WHAT the specific public actions are that will be undertaken and the anticipated redevelopment that will result from both future public and private investments.

The Plan submission will be supported by the inclusion of answers to the following questions.

- What general and specific problems exist in the area – and what is the nature and scope of these problems?
- What is the history of the area – what was it like before the onset of these problems?
- What are the overall goals/visions/objectives the Plan is designed to achieve?
- How will the Plan achieve these goals/visions/objectives?
- What is the timeframe for achieving these goals/visions/objectives?
- Why are these outcomes important to the urban renewal area and to the community?
- What is the larger context – i.e., what is happening elsewhere in the community, region and state that might affect or be affected by Plan implementation?
- What previous efforts have been employed to remedy identified problems?
- Why have they failed?
- Why is an urban renewal strategy being proposed?
- What does an urban renewal strategy offer that other strategies lack?
- What specific public actions are proposed by the Plan to address these problems and why?
- What projected general and specific outcomes will result from the implementation of these proposed actions – in both the short- and long-terms?
- What anticipated private investment and redevelopment will result from these public actions?

Answers to these questions should be included in the appropriate regulatory sections of the Plan (see below). The Plan may also include additional information not specifically required by the regulations. Such information may be useful in telling the community's "story" and explaining why an urban renewal strategy is being proposed. Please note, however, that additional information should not be submitted as a substitute for documentation required under the regulations.

PLAN SUBMISSION – REGULATORY REQUIREMENTS

12.02(1) Executive Summary. An executive summary outlining the urban renewal agency's reasons for developing the Plan, what it hopes to accomplish and how it will accomplish it.

The Plan submission should include an Executive Summary or overview that clearly and succinctly describes the Urban Renewal Plan including: a description of the urban renewal area, an explanation of the need/problem(s) necessitating the Plan, the public actions (e.g., land acquisition, infrastructure improvements, financial incentives, zoning changes) proposed to address these problem(s), the anticipated redevelopment that will result from these actions (e.g., affordable/ market-rate housing development, housing rehabilitation, mixed-use development, industrial and/or commercial development), the end-product and/or vision that the Plan is designed to achieve (e.g., establish area as a neighborhood retail center; change area from heavy industrial and automobile-related businesses to business park and light industry; create open space; improve access to and throughout the area), and how the urban renewal agency will implement its vision.

The Executive Summary should also include a brief statement describing how the Urban Renewal Plan conforms to and promotes the Commonwealth's Sustainable Development Principles.

12.02(2) Characteristics. Plans or maps of the project area and the immediate surrounding area.

The Urban Renewal Plan must include maps of the project area and the adjacent or surrounding area. Assessor's maps or other similar types of maps will be accepted. Ten (10) separate maps are required: (a) through (j) below. Please take care to accurately label each map to correspond to regulatory requirements under this section. Failure to comply with this requirement or submission of incomplete or illegible maps will delay Plan approval. A concise narrative explaining and/or expanding on the information in these maps should be included, as appropriate. When the narrative is provided in other sections of the Plan, please make reference to that section. The submission of additional maps not specifically required is permitted. However, they should be clearly labeled as to content and purpose (e.g., map of open spaces to show density of area and need for additional green spaces), along with a narrative description.

- (a) Boundaries of the project area,**
- (b) Existing property lines and the footprint of buildings, existing and proposed,**
- (c) Existing uses, and the current zoning,**
- (d) Proposed land uses, public improvements and other activities,**
- (e) All thoroughfares, public rights of way and easements, existing and proposed,**
- (f) Parcels to be acquired,**
- (g) Lots to be created for disposition,**
- (h) Buildings to be demolished,**
- (i) Buildings to be rehabilitated,**
- (j) Buildings to be constructed.**

12.02(3) Eligibility. Data and other descriptive material which demonstrates that the project area is a blighted open area, a decadent area, and/or a substandard area within the definitions set out in M.G.L. c. 121B, section 1.

The section requests documentation and descriptive material that the proposed urban renewal area is a substandard, decadent, and/or blighted open area. In order to demonstrate that the proposed project area is

eligible to be designated as an urban renewal area, the blighted, decadent and/or substandard conditions or deficiencies should be present to a reasonable degree in all portions of the Project area.

This section should function as the Plan's **needs assessment** and include appropriate background information such as location, history, relevant municipal statistics/census data, rationale for the selection of the project area as drawn, etc. to meet the Plan objectives. This section should explain and document the severity of the need in the project area and the minimum public action necessary to address this need and to promote private investment in the area. It is also important that the Plan discuss why public action – e.g., land acquisition and clearance, public improvements, financial incentives, rehabilitation of existing buildings -- is necessary for the area's redevelopment. This section should also provide a rationale for the redevelopment objectives articulated later under 760 CMR 12.02(4), Objectives.

The information should accurately correspond to any maps submitted in the Plan. Additional plans or figures included in the Plan as part of the eligibility discussion should be appropriately labeled.

Finally, it is in this section that quantitative and qualitative documentation, as appropriate, is presented justifying proposed clearance and rehabilitation activities (e.g. identifying the proposed public actions in the project area for clearance, spot clearance, and rehabilitation). Exterior and/or interior building conditions surveys, windshield surveys, and other assessments to document the need for public actions can be summarized in this portion of the Plan.

- (a) Where clearance is proposed, a showing that buildings are functionally obsolete, structurally substandard or not reasonably capable of being rehabilitated for productive use, and a showing that the extent of clearance proposed is justified and necessary, with particular attention paid to justifying the acquisition of individual parcels of basically sound property,**

In order to warrant clearance within a designated "clearance area" the Plan should include documentation, and the specific criteria used, to demonstrate that eligibility requirements are met – e.g., individual buildings with defects in structural elements or a combination of deficiencies in structural elements or a combination of deficiencies in essential utilities and facilities, light and ventilation, fire protection (including adequate egress), layout and condition of interior partitions or similar factors. An optional map may be provided showing the area(s) proposed for clearance.

- (b) Where spot clearance is proposed, a showing that the clearance is necessary in order to achieve the objectives of the plan,**

If conditions warranting clearance do not exist, the appropriate strategy may be spot clearance to remove blighting influences or substandard buildings infeasible of rehabilitation, or spot clearance to provide land for public improvements or supporting facilities that are necessary to achieve the objectives of the Plan. Spot clearance may involve buildings that are in good condition but whose demolition is necessary to achieve Plan objectives (e.g., reduce density, infrastructure improvements to improve access to and within the area). An optional map may be provided showing the area(s) proposed for spot clearance.

- (c) Where rehabilitation is proposed, a showing that (1) it is economically feasible to rehabilitate the properties in the project area, (2) the existing street and land use pattern can be adapted to the objectives of the plan, and (3) the area has desirable qualities and**

other evidence of vitality establishing a likelihood that rehabilitation activities will restore the area over the long-term.

The buildings identified for rehabilitation should correspond to the required map in 760 CMR 12.02(2)(i), in Characteristics.

Where rehabilitation of existing property is proposed, the Plan should include documentation, and the specific criteria used, to demonstrate that eligibility requirements are met – e.g., to show that rehabilitation is a viable strategy for the revitalization of the area as part of achieving the Plan objectives and to establish the basis for the determination of the economic feasibility to upgrade properties in the project area. The plan should document that area has desirable qualities and other evidence of vitality to establish the likelihood that rehabilitation activities will restore the area over the long-term, and that the street and land use pattern can be adapted to present-day needs or objectives. Data from exterior and/or interior inspections of building, feasibility analysis of rehabilitation, or other assessments can be presented to support proposed building rehabilitation.

(d) The Urban Renewal Plan is based upon a local survey and conforms to any existing planning documents covering the urban renewal area as a whole, including, but not limited to, a comprehensive plan for the locality.

This section is particularly important. It is not sufficient to simply reference the community's Master Plan, relevant market studies or other surveys/studies/plans. The Plan should describe specific findings and recommendations that support the Plan objectives. The Plan may also include additional statistical data, focus group data, results of public hearings, etc., as well as relevant historical and anecdotal information.

12.02(4) Objectives. A statement of the objectives of the plan including:

(a) Specification and explanation of all proposed redevelopment (In any project area the reuse of which will be predominately residential, an objective shall be the provision of housing units for low or moderate income persons),

Plan objectives, as appropriate, may include: removal of structurally substandard buildings, elimination of blighting influences, provision of low- and moderate-income housing, provision of land for needed public facilities and infrastructure, removal of impediments to land disposition and development and changes in land use. Please note that the Plan objectives may not only include bricks and mortar objectives but also objectives concerned with quality-of-life issues.

This section should also include a description of the Plan's **overall redevelopment strategy**. The strategy should be placed within the larger context of 760 CMR 12.02(3), Eligibility – i.e., it should be justified by the articulated project need and condition of the project area. What is the Plan's overall vision for the area? What will the area look like and what will be the nature and scope of the redevelopment that results from Plan implementation? For example: (a) what types of retail development will occur in the area? (b) What types of housing will be developed in the area? (c) What types of industrial development will occur in the area? Although the Plan does not need to identify specific end users, it should be as specific as possible in describing desired outcomes.

The Urban Renewal Plan is a blueprint for decision-making, the allocation of resources and public actions in support of actual redevelopment (e.g., new development, redevelopment of existing sites, expansion of

existing uses, reconfiguration of land use, etc.). Although DHCD is requesting that the Plan be as specific as possible in identifying objectives and future types of redevelopment, DHCD also understands that as a “plan,” specific items and projections may change over time.

(b) A detailed estimate of how many jobs will be retained, how many created, and how many eliminated as a result of the proposed renewal and redevelopment,

Jobs should be reported as full-time equivalent (FTE) jobs and include their respective labor sectors.

(c) The specific provisions which exist or which will be established to control densities, land coverage, land uses, setbacks, off street parking and loading and building height and bulk, and design guidelines, if appropriate.

This section should also include a description of the Plan’s design review procedures as they relate to specific design guidelines and a detailed description of existing and/or proposed zoning as well as other provisions to control use, off-street parking, and dimensions of proposed development, as appropriate.

12.02(5) Acquisitions. The Plan must specify which parcels are to be acquired and justify why these parcels need to be acquired to achieve the objectives of the Plan, and which parcels need not be acquired.

This information should supplement the required map in 760 CMR 12.02(2)(f) and provide information why the acquisitions achieve the objectives of the plan. A listing of all properties identified for acquisition should be included with their property addresses, parcel numbers, property owner names and parcel sizes. In addition, the Plan should also include in this listing, or a separate one, information that compares each individual parcel’s current use (e.g., bakery, clothing store/retail, sheet metal plant, junk yard) to the proposed use that will result from its redevelopment (e.g., pocket park, sidewalk, parking structure, light industry, housing, office building). This “before” and “after” comparison is requested in order to show how redevelopment will affect the targeted area. In addition, and to the extent possible, this list of “before” and “after” uses should be specific (e.g., automobile junk yard to light industry/furniture manufacturing).

One of the most significant tools under Urban Renewal is the ability of a redevelopment authority/urban renewal agency to acquire property, including takings by eminent domain, and then to convey this property to private developers. In addition, urban renewal agencies are also exempt from M.G.L. Chapter 30B, the Uniform Procurement Act, when the acquisition and disposition of property is undertaken in accordance with an approved Urban Renewal Plan.

12.02(6) Relocation. A relocation plan conforming to all applicable requirements appearing in federal law, M.G.L. c. 79A, and the regulations and guidelines thereunder.

DHCD will accept general relocation information as an alternative to a complete Relocation Plan for purposes of Plan review and approval only. Consultation with the Bureau of Relocation is advised as part of the Plan preparation. The Plan must include an estimate of the number of displaced persons (e.g. residents, businesses) that may be displaced as a result of acquisitions/demolition/clearance. Cost estimates for relocation expenses based on these numbers must be included in the Financial Plan as required under 12.02(12)(c).

Further, the Plan must state that the urban renewal agency will comply with the applicable requirements in M.G.L. c. 79A and the regulations at 760 CMR 27.00, and guidelines thereunder, and acknowledge that all “displaced” persons are entitled to relocation assistance and payments established under M.G.L. c. 79A and 760 CMR 27.00.

12.02(7) Site Preparation. Specification of all proposed site preparation, including land protection and measures to address environmental, topographical, subsoil or flood problems. Any special site preparation or land protection problems shall be identified.

The Plan must describe proposed site preparation, and include potential problems or obstacles that need to be addressed and how they will be addressed. Detailed cost estimates for site preparation should be included in the Financial Plan as required under 760 CMR 12.02(12)(a).

12.02(8) Public Improvements. Specification of any public improvements, a description of their general design and an explanation of how the improvements will help achieve the objectives of the plan.

The Plan must describe proposed public improvements in connection with the Urban Renewal Plan (e.g. parks and open space improvements, playgrounds, water, sewer or drainage facilities, street and sidewalk improvements, or any other public improvements); include potential problems or obstacles that need to be addressed; and relate the public improvements to the Plan objectives. Cost estimates for public improvements should be included in the Financial Plan as required under 760 CMR 12.02(12)(b).

12.02(9) Disposition. The plan must specify the disposition for each parcel and identify any known redeveloper.

Disposition information, including the proposed use of the disposition parcel, size, any known redeveloper, etc., must be provided. The disposition information should supplement information on the required map, Lots to be Created for Disposition, requested under 760 CMR 12.02(2)(g), in Characteristics.

12.02(10) Redeveloper’s Obligation. Specification of the obligations that have been imposed or will be imposed upon redevelopers for construction of improvements within a reasonable time and in conformity with the plan. If specific or general commitments for redevelopment exist, specification of the commitments in all pertinent detail, including copies of any contracts, plans, or proposals.

The Plan should identify all redevelopers, and the redevelopment activities they will undertake, to the extent that they are known at the time of Plan submission. The Plan submission may include a draft land disposition agreement for DHCD review. Land Disposition Agreements between Redevelopment Authorities and redevelopers must comply with the requirements under 760 CMR 12.05 and include a statement that redevelopment will comply with the Urban Renewal Plan and M.G.L. c. 121B and 760 CMR 12.00.

12.02(11) Time Frame. Describe proposed timelines for completing redevelopment. All Urban Renewal plans must have a specified end date.

Implementation steps/phases should be presented with their associated time lines. DHCD recommends that the Plan's duration not exceed 20 years. A Plan may be extended later as a Plan Change if additional time is needed to undertake redevelopment.

12.02(12) Financial Plan. A project pro forma/budget which shall include costs estimates.

This section requests a pro forma/budget including cost estimates for: (a) site preparation; (b) proposed public improvements; (c) relocation expenses; (d) planning, legal, financing and administrative costs, (e) acquisitions (which can be based on assessor's data) and (f) the amount and source(s) of project revenues. Since all plan financing may not be committed at the time of its submission, please include a timeline describing funding sources, actual or anticipated, and their uses for project implementation, and when specific funding sources are anticipated to be available.

12.02(13) Citizen Participation. A report on citizen participation describing citizen participation in the planning process and a plan for continuing citizen participation during the project execution. A showing of meaningful citizen participation is necessary for approval of the plan.

The Plan must include a description of citizen participation that (a) occurred during the preparation for the Plan and (b) is proposed for Plan implementation. If the community established a Citizen's Advisory Committee (CAC) as part of its citizen participation process, then the names and affiliations of all members, as well as a description of how members were recruited/selected, should be included in the Plan. The Plan may also include copies of the CAC's meeting minutes or minutes from other public forums in the Appendix.

12.02(14) Requisite Municipal Approvals. Evidence of a public hearing and the requisite municipal approvals specified in M.G.L. c. 121B, Section 48, and an opinion of counsel to the operating agency certifying that the proposed Urban Renewal Plan was adopted in accordance with M.G.L. c. 121B Section 48 and is in compliance with applicable laws.

Under c.121B, Section 48, the Plan must include evidence that:

- (a) The urban renewal agency (e.g., redevelopment authority, community development board) determined that an urban renewal project should be undertaken (i.e., c. 121B, Section 45, Declaration of Necessity).
- (b) A public hearing was held by the City Council of a city or Board of Selectmen of a town (e.g., copy of publication of hearing notice, hearing minutes, video cassette of hearing, sign-in sheet of hearing attendees, newspaper report of the hearing).
- (c) The Plan was approved by local officials (Mayor or City Manager and City Council in a city or Board of Selectmen in a town).
- (d) The Planning Board determined that the Plan is based (1) on a local survey and (2) conforms to any existing planning documents covering the urban renewal area as a whole, including, but not limited to, a comprehensive plan for the locality.
- (e) The Massachusetts Historical Commission was notified of the public hearing.
- (f) The urban renewal agency's legal counsel has certified that the proposed Plan is in compliance with applicable laws.

12.02(15) MEPA. The plan must indicate: (a) if review of the Plan under MEPA and implementing regulations is complete, and (b) if review of any known redevelopment project under MEPA and implementing regulations is complete and/or MEPA has issued a Phase I waiver with respect to such project(s). If so, include copies of the MEPA approvals in the Urban Renewal Plan. If not, DHCD's approval will be issued conditional upon completion of MEPA review.

For additional information contact DHCD at (617) 573-1400.

Revised July 2018